

# Notice of Allowability

Application No.

10/017,804

Examiner

John S. Chu

Applicant(s)

DORR ET AL.

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/29/03 and 3/29/04.
2. ☒ The allowed claim(s) is/are 35-53.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/29/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

John S. Chu  
Primary Examiner  
Art Unit: 1752

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ashley Pezzner on June 4, 2004.

The application has been amended as follows:

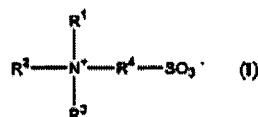
Cancel claim 54. The Office would have rejected the claim over the prior art reference to KANDA et al, however on a telephonic phone interview with the applicant's attorney, the applicants have agreed to cancel claim 54 and avoid an additional Non-Final rejection. Accordingly all the claims are seen as allowable over the prior art of record.

### **REASONS FOR ALLOWANCE**

1. The following is an examiner's statement of reasons for allowance: The claimed invention is drawn to the following:

Art Unit: 1752

- 35. A recording material which comprises a support and a negative-working, radiation-sensitive layer which comprises a diazonium salt and a polymeric binder, the radiation-sensitive layer comprises a sulphobetaine, wherein the sulphobetaine is of the formula I



in which

$\text{R}^1$  to  $\text{R}^3$  are identical or different and are substituted or unsubstituted and/or mono- or polyunsaturated, acyclic or isocyclic hydrocarbon radicals having from 1 to 16 carbon atoms, in which one or more methylene groups is optionally replaced by

-O-, -S-, -NH-, -CO-NH- and/or -O-CO-NH-groups, and, in the case of the acyclic radicals, each two thereof is optionally linked to one another to form a saturated or unsaturated ring, and

$\text{R}^4$  is a substituted or unsubstituted ( $\text{C}_1$ - $\text{C}_6$ ) alkanediyl group.

The claimed invention as now recited is drawn to a sulphobetaine compound in the recording material. The amendment as presented in new claim 35 is not met by the disclosure of KANDA et al because the as stated in the Remarks by applicant the sulphobetaine group as disclosed in the prior art reference is in a polymer having a sulfobetaine side group and not to the specific compound as now claimed

Because none of the prior art references of record disclose or claim the recited recording material, claims 35-53 are seen as allowable and passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

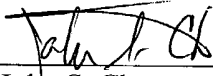
Art Unit: 1752

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

The fax phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1700.

  
\_\_\_\_\_  
John S. Chu  
Primary Examiner, Group 1700

J.Chu  
June 1, 2004